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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET

APPEAL FROM ORDER NO.112 OF 2007

. . . . . .

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's order

. . . . . .

Mr.N.D.Jaywant for appellant.
Mrs.Geeta Jogalekar for MCGB, R-1.
Mr.Snehal K. shah with Z.A.Jariwala i/by M/s.Thakore Jariwala & Asso. for respondent no.2.

CORAM : A.S.OKA, J.
DATE : 05th April 2007

PC :

1. Admit. Hearing is expedited.

Advocates for the respondents waive service.

(A.S.OKA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.163 OF 2007
IN
APPEAL FROM ORDER NO.112 OF 2007

Shree Sainath Co-op.HSG Ltd. Petitioner
versus
MCGB and another Respondents

Mr.N.D.Jaywant for applicant.
Mrs.Geeta Jogalekar for MCGB, R-1.
Mr.Snehal K. shah with Z.A.Jariwala i/by M/s.Thakore Jariwala & Asso. for respondent no.2.

CORAM : A.S.OKA, J.
DATE : 05th April 2007

PC :

1. Rule. Advocate on record appearing for the respondents waives service. Taken up for hearing forthwith.

2. I have perused the affidavit dated 30th March 2007 filed by the Executive Engineer. Prima facie, I am of the view that the said affidavit is not in conformity with the directions given by this Court by the order dated 12th March 2007.

3. As the appeal is admitted for the final hearing, interim relief in terms of prayer clause (a) will have to be granted. However, it will be

open for the first respondent to follow the due process of law in the event first respondent needs any portion of the property occupied by the applicant for construction of a bridge. It is obvious that the first respondent will also follow the principles of natural justice.

4. Hence, till final disposal of the appeal, there will be an interim relief in terms of prayer clause (a). However, it will be open for the first respondent to follow due process of law and take over possession of a portion of the property occupied by the applicant if required, for construction of a bridge. It is obvious that the first respondent is bound to follow the principles of natural justice.

5. Civil Application is disposed of in the above terms. Pendency of this Appeal from Order in this Court will not operate as stay of the proceedings of suit and the Trial Court is free to proceed with the suit if the suit is ready for final hearing.

(A.S.OKA, J.)